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Of Counsel

2005 MAY 27 PM 4:23
H. LaDon Baltimore

FOR A DOCKET ROOM

May 27, 2005

Honorable Pat Miller, Chairman
Tennessee Regulatory Authority
ATTN: Sharla Dillon, Dockets
460 James Robertson Parkway
Nashville, TN 37243-5015

RE: Joint Petition for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. Pursuant to Section 252(b) of the Communications Act of 1934, as Amended; Tennessee Regulatory Authority Docket No. 04-00046

Dear Chairman Miller:

Enclosed for filing in the above-referenced matter please find the original and thirteen (13) copies of the Motion of KMC Telecom V, Inc. and KMC Telecom III, LLC to withdraw with prejudice from the above-captioned docket.

Thank you for your assistance. If you have questions, please do not hesitate to contact me

Sincerely,



H. LaDon Baltimore

LDB/dcg
Enclosures
cc: Guy Hicks, Esq.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

2005 MAY 27 PM 4:25
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In the Matter of)
)
Joint Petition for Arbitration of)
)
NEWSOUTH COMMUNICATIONS CORP.,)
NUVOX COMMUNICATIONS, INC.)
KMC TELECOM V, INC., KMC TELECOM)
III LLC, and XSPEDIUS COMMUNICATIONS,)
LLC on Behalf of its Operating) Docket No. 04-00046
Subsidiaries XSPEDIUS MANAGEMENT CO.)
SWITCHED SERVICES, LLC and Xspedius)
Management Co. of)
CHATTANOOGA, LLC)
Of an Interconnection Agreement with)
BellSouth Telecommunications, Inc.)
Pursuant to Section 252(b) of the)
Communications Act of 1934, as)
Amended)

MOTION OF KMC TELECOM V, INC. AND KMC TELECOM III, LLC
TO WITHDRAW WITH PREJUDICE

Come now KMC Telecom V, Inc and KMC Telecom III, LLC (collectively "KMC"), through their undersigned counsel, and request approval of their motion to withdraw with prejudice¹ from the Joint Petition of NewSouth Communications Corp.; NuVox Communications, Inc.; KMC Telecom V, Inc. and KMC Telecom III LLC; and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co Switched Services, LLC and Xspedius Management Co. of Chattanooga, LLC (collectively the "Joint Petitioners"), for arbitration of certain issues arising in negotiation of interconnection agreements with BellSouth Telecommunications, Inc pursuant to 47 U.S.C. §252(b) of the

¹ KMC's withdrawal shall be considered a dismissal with prejudice of this Arbitration with respect to KMC only and does not apply to the remaining Joint Petitioners

Communications Act of 1934, as amended in the above-referenced docket (the "Arbitration").

KMC's withdrawal, with prejudice, applies only to KMC and does not apply to any of the remaining Joint Petitioners in the Arbitration.

Respectfully submitted,

H. LaDon Baltimore
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KMC Telecom Holdings, Inc.
1755 North Brown Road
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E-Mail: marva.johnson@kmctelecom.com

*Counsel for the KMC Telecom III, LLC and
KMC Telecom V, Inc*

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing has been forwarded via U. S. Mail, first class postage prepaid, to the following, this the 27th day of May, 2005.

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201


H. LaDon Baltimore